

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 710

2016 Regular Session

Hollis

SALES/TOBACCO DEALERS: Changes the time period in which cigarettes must be stamped

Synopsis of Senate Amendments

1. Removes present law provision requiring that nonresident tobacco dealers purchasing cigars, cigarettes, and smoking tobacco for distribution in Louisiana provide a separate invoice from the seller showing the date of purchase and quantity, which must be kept in a separate part of the building from stock purchased for sale or distribution in another state.
2. Requires nonresident tobacco dealers to do the following:
 - (a) Maintain invoices correctly showing the date, quantity, recipient, manufacturer, and brand of cigars, cigarettes, and smoking tobaccos sold by the dealer for distribution in or into Louisiana.
 - (b) Keep stock affixed with a Louisiana tax stamp separate and apart from the remainder of the dealer's stock.
3. Makes technical amendments.

Digest of Bill as Finally Passed by Senate

Present law requires the stamping of cigarettes with tobacco tax stamps immediately upon receipt of the cigarettes by a tobacco dealer.

Proposed law changes present law to require that tobacco dealers stamp cigarettes prior to selling, offering for sale, removing, or otherwise distributing the cigarettes.

Present law provides a prima facie presumption that cigarettes found in the place of business of any tobacco dealer or other person, except bonded interstate tobacco dealers, without the stamps affixed are in violation of present law.

Proposed law retains present law except that it removes the exception for bonded interstate tobacco dealers and provides an exception for a dealer holding a valid stamping agent designation.

Present law prohibits a dealer from purchasing or possessing unstamped cigarettes in this state for sale into another state where the manufacturer and brand family of the cigarettes are not listed on the state's directory unless the dealer holds an exporter license.

Proposed law retains present law and further requires the dealer holding the exporter license to affix the stamp required by the other state to the package within 72 hours after receipt unless the other state does not require the stamp, then the dealer may sell cigarettes into the other state if the excise, use, or similar tax is paid. Proposed law further requires the dealer to ensure that any cigarettes and roll-your-own tobacco in its stock that are not listed on the attorney general's state directory are kept separate and apart from the approved stock.

Present law requires purchases of cigar, cigarettes, and smoking tobacco for distribution in Louisiana by nonresident tobacco dealers to be evidenced by a separate invoice from the seller showing the date of purchase, quantity to be kept in an entirely separate part of the building separate and apart from stock purchased for sale or distribution or both in another

state.

Proposed law changes present law to require nonresident tobacco dealers to maintain invoices correctly showing the date, quantity, recipient, manufacturer, and brand of cigars, cigarettes, and smoking tobaccos sold by the dealer for distribution in or into Louisiana and keep stock affixed with a Louisiana tax stamp separate and apart from the remainder of the dealer's stock.

(Amends R.S. 47:843(D)(1), 847(A) and (D)(1), 849(B) and (C) and 851(D))